IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7506 of 2005

Between:

P.Bala Swamy, S/o. late veeraiah,
R/o. 1-1-500/4, Nehru Nagar, Suryapet,
Nalgonda District.

..... PETITIONER

AND

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1 The Regional Manager, APSRTC., Nalgonda District.
2 The Depot Manager, APSRTC, Bus Depot,

Kodad,Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of Writ Mandamus, declaring the in action of the respondents in not releasing (12) year stagnation increment from the date of (12) years of service w.e.f. 01-01-2005, as illegal, bad and in violation of Art.14,16 & 21 of the Constitution of India and consequently direct the respondent's corporation to release the (12) year stagnation increment along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following :

ORDER:

Questioning the action of the respondents in not releasing 12 years stagnation increment from the date of 1-1-2005, the present writ petition is filed.

The petitioner was appointed as conductor in the respondents-Corporation in the year 1987. He was removed from service on 4.8.1988. Against the removal order the petitioner filed I.D.No.516 of 1988 before the Additional Labour Court, Hyderabad. The labour Curt passed award dated 29-7-1992 directing the respondents-corporation to reinstate the petitioner into service. The grievance of the petitioner is that the respondents-corporation is not giving the Special Grade/Stagnation increment to him with effect from completion of 12 years of service in the corporation.

The purport of the decision reported by this Court in W.A.No.1301 of 2000, dated 29-10-2002, is that the entire service of the petitioner in the corporation has to be taken into consideration for the purpose of giving the benefit of stagnation increment. Certain guidelines have been framed by the respondents-corporation, more particularly, in circular No.P.D-113/1989, dated 3-6-1989, for grant of stagnation increments. Therefore, it is for the respondents-corporation to decide the matter whether the petitioner is entitled to the stagnation increments in pursuance of the aforesaid circular order. Therefore, the respondents- corporation is directed to give the Special Grade/Stagnation increment as per the rules taking into account the petitioner's total service of 12 years in the corporation.

The Writ Petition is accordingly disposed of. In the circumstances without costs.

K.C. Bhanu, J.

7th April 2005

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To

1 The Regional Manager, APSRTC., Nalgonda District.
2 The Depot Manager, APSRTC, Bus Depot,
Kodad, Nalgonda District.

3 2 CD copies.